

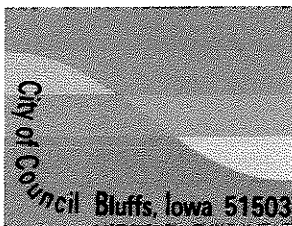
CITY CLERK
(712) 328-4616

AGENDA

**CITY COUNCIL STUDY SESSION
COUNCIL CHAMBERS
MONDAY, May 12, 2008
3:45 P.M.**

- A. Hearing: Tobacco Hut #6, tobacco violation (if necessary)
- B. Hearing: Hy-Vee, tobacco violation (if necessary)
- C. Update: Midlands Humane Society
- D. Review of Agenda
- E. ***Executive Session: Property acquisition***





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Presented by Dan Woellhof
- D. Review of Agenda
- E. ***Executive Session: Property acquisition***





CITY CLERK
(712) 328-4616

COUNCIL AGENDA, CITY OF COUNCIL BLUFFS, IOWA
REGULAR MEETING MAY 12, 2008 7:00 P.M.
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL
209 PEARL STREET

AGENDA

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. PRESENTATION

Quilt made by Franklin Elementary School Students

4. CONSENT AGENDA

- A. Approval of agenda and tape recording of this proceeding be incorporated into official minutes
- B. Reading, correction and approval of minutes of the April 28, 2008 regular Council meeting
- C. Ordinance 5995, amending the Municipal Code, Title 13, entitled "Buildings and Construction" Chapter 13.21 entitled "Property Maintenance Code" by adding Section 13.21.068 entitled "Extermination" to be codified.
- D. Resolution 08-138, setting a date for public hearing to approve amended annual budget for the fiscal year ending June 30, 2008.
- E. Resolution 08-139, intent to dispose of City property described as a 60± foot by 90± foot portion of Fairview Cemetery lying west of 514 Harrison Street, as shown on the attached map and described on the attached survey.
- F. Resolution 08-162, ordering the City Clerk to publish notice and set public hearing on the plans, specifications, form on contract and cost estimate for the final phase of the Regional Fire Training Facility.

5. ORDINANCES ON SECOND READING:

- A. An ordinance to amend Chapter 1.10 "Administration and Personnel" of the Municipal Code by repealing and reenacting Section 1.10.020 "Compensation of Mayor".

6. PUBLIC HEARINGS:

- A. Resolution 08-116, authorizing disposal of certain City property by granting a perpetual fiber optic cable easement to MidAmerican Energy.
- B. Resolution 08-117, authorizing disposal of certain City property by granting a perpetual electric and communications easement to MidAmerican Energy.
- C. Resolution 08-118, authorizing disposal of certain City property by granting a perpetual construction and access easement to Southwest Iowa Renewable Energy, LLC
- D. Resolution 08-140, approving the renaming of West South Omaha Bridge Road to Veteran's Memorial Highway



- E. Resolution 08-141, directing sale of \$7,615,000 general obligation bonds, Series 2008
- F. Ordinance 5997, amending the zoning map by changing the district designation of certain grounds, premises and property located along 5th Avenue East and West of South 21st Street in Council Bluffs from it's present designation as C-1/Commercial to R-2/Two family residential

7. ORDINANCES ON FIRST READING:

- A. Ordinance 6000, amending the Municipal Code, Title 13 entitled "Buildings and Construction" Chapter 13.10 which is entitled "Licensing of the Mechanical Trade", by amending parts of Section 13.10.070 entitled "Licensing – Generally" and also Section 13.10.080 entitled "Licensing – Fees" to be codified
- B. Ordinance 6001, amending the Municipal Code, Chapter 4.12 "Solid Waste Collection and Disposal" by repealing and reenacting Sections 4.12.010 "Definitions", 4.12.020 "Legislative findings", 4.12.040 "Storage of solid waste prohibited", 4.12.1060 "Collection and disposal – rules and regulations", and 4.12.110 "Collection fees – residential"
- C. Ordinance 6002, amending Chapter 2.08 "Schedule of Fees" of the Municipal Code by repealing Section 2.08.040 "Fees and charges authorized in Title 4", and by enacting a new Section 2.08.040 "Fees and charges authorized in Title 4" to amend fees for solid waste collection and disposal

8. RESOLUTIONS:

- A. Resolution 08-142, authorizing the Mayor and City Clerk to execute an agreement with Lueder Construction for the Public Works Fleet Maintenance Facility
- B. Resolution 08-143, accepting the work of Tab Construction in connection with the Stormwater Management, Sewer, Big Lake Bridge and authorizing the Interim Finance Director to issue a City check in the amount of \$3,147.57
- C. Resolution 08-144, authorizing a joint application to the Iowa Department of Economic Development by the Council Bluffs Enterprise Zone Commission and Welcome Homes, Inc., for enterprise zone benefits.
- D. Resolution 08-145, authorizing the Mayor to execute the Order Assessing penalty against Tobacco Hut 6, 3134 Manawa Centre Drive, for a violation of Iowa tobacco laws
- E. Resolution 08-146, authorizing the Mayor to execute the Order Accepting the Acknowledgement/Settlement Agreement from Tobacco Hut #14, 1925 W. Broadway for a violation of Iowa tobacco laws
- F. Resolution 08-147, authorizing the Mayor to execute the Order Assessing penalty against Hy-Vee Drugstore, 757 W. Broadway for a second violation of Iowa tobacco laws
- G. Resolution 08-148, authorizing and setting the annual assessment for the Mosquito Creek #22 levee drainage district
- H. Resolution 08-149, authorizing and setting the annual assessment for the West Lewis #35 levee drainage district
- I. Resolution 08-150, authorizing and setting the annual assessment for the Sieck #32 levee drainage district.

- J. Resolution 08-151, authorizing the creation of one full time recycling aide position at the Recycling Center
- K. Resolution 08-152, authorizing the Mayor to sign a water tower and ground space lease agreement for Rew Memorial Tower, Buena Vista Circle Council Bluffs, Iowa
- L. Resolution 08-153, authorizing the Mayor to execute the fourth addendum to the agreement by and between the City, Iowa West Foundation, and CB Landscape Trust for Avenue G Beautification Improvements

9. MAYOR APPOINTMENTS:

- A. General Contractor Board of Peers; Re-appointment of Herman Timms, term expiring on 3/22/13

10. RECEIVE AND FILE ITEMS:

- A. Cash Balance Statement, April 30, 2008
- B. List of Bills, April 30, 2008
- C. One Offer to buy City property, half of vacated alley
- D. Three Notices of Expiration of Rights of Redemption:
 - 1) 2512 Avenue H
 - 2) 1804 8th Avenue
 - 3) 823 S. 32nd Street

11. APPLICATIONS FOR PERMITS AND CANCELLATIONS:

- A. Applications for renewal of Liquor License:

<ul style="list-style-type: none">1) Biggs, 154 W. Broadway2) Billy's 66, 2659 W Broadway3) Bottom's Up, 2800 Twin City Drive4) Caddy Shack, 1426 4th Avenue5) Eddy's 503, 503 9th Avenue6) Eddy's 611, 611 E. Broadway7) Eddy's 1839, 1839 Madison8) G's Amoco, 3540 W Broadway	<ul style="list-style-type: none">9) Hy-vee, 1706 N. 16th Street10) I-80 Liquor, 2411 S 24th Street11) J & B's Lounge, 16 S 19th Street12) Kwik Shop 532, 1602 Avenue G13) Lansky's, 1131 N. Broadway14) Regal Lanes, 15 State Street15) Spillway Grill & Bar, 1840 Madison
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- B. Approval of Outdoor Service: Railway Inn, 115 S. 12th Street
- C. Approval for new liquor license, pending health inspection: T'z, 128 W. Broadway
- D. Approval for temporary 5-day liquor license: St. Peter's All School Reunion, 1 Bluffs Street
- E. Application for Retail Cigarette/Tobacco Permit:

<ul style="list-style-type: none">1) Kum & Go #219, 154 Bennett Avenue	<ul style="list-style-type: none">2) Kum & Go #220, 2024 5th Avenue
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12. CITIZENS REQUEST TO BE HEARD:

13 ADJOURNMENT

RECORD OF PROCEEDINGS

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order by Mayor Thomas P. Hanafan at 7:00 p.m. on Monday, April 28, 2008.
ATTENDANCE	Council Members present: Darren Bates, Scott Belt, Lynne Branigan, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia L. Worden, Deputy City Clerk.
CONSENT AGENDA	Walsh and Bates moved and seconded approval of the Consent Agenda. Unanimous.
MAYOR'S PROCLAMATION	Mayor Hanafan read and presented a proclamation declaring May 2008 as National Preservation Month to Mr. Cal Peterson.
PUBLIC HEARINGS Resolution 08-116 Resolution 08-117 Resolution 08-118	Schultz and Bates moved and seconded the continuance of three Public Hearings to May 12, 2008 at 7:00 p.m., Resolution 08-116, authorizing disposal of certain City property by granting a perpetual fiber optic cable easement to MidAmerican Energy; Resolution 08-117, authorizing disposal of certain City property by granting a perpetual electric and communication easement to MidAmerican Energy; and Resolution 08-118, authorizing disposal of certain City property by granting a perpetual construction and access easement to Southwest Iowa Renewable Energy LLC. Unanimous.
Resolution 08-119	Held Public Hearing regarding Resolution 08-119, granting final plat approval for Legacy Family Campus Subdivision, Phase II. Walsh and Belt moved and seconded approval of Resolution 08-119. Unanimous.
Resolution 08-120	Held Public Hearing regarding Resolution 08-120, authorizing disposal of certain utility easement rights north of Avenue G and south of Avenue J between North 14 th and North 15 th Streets. Belt and Walsh moved and seconded approval of Resolution 08-120. Unanimous.
Resolution 08-121	Held Public Hearing regarding Resolution 08-121, authorizing disposal of City property legally described as the north 39' of the east 10' of Lot 8 and the north 39' of Lot 9, Block 15, William's First Addition. Walsh and Belt moved and seconded approval of Resolution 08-121 noting \$2,590.00 as the purchase price. Unanimous.
ORDINANCE ON SECOND READING Ordinance 5995	Branigan and Schultz moved and seconded approval of Ordinance 5995, amending Title 13 entitled "Buildings and Construction"; Chapter 13.21 entitled "Property Maintenance Code" by adding Section 13.21.068 entitled "Extermination". Heard from Don Angeroth, 10 Stubblefield Drive, in favor of the amendment. Unanimous.
ORDINANCES ON FIRST READING Ordinance 5996	Walsh and Branigan moved and seconded introduction of Ordinance 5996, amending Chapter 1.10 "Administration and Personnel", by repealing and reenacting Section 1.10.020 "Compensation of Mayor". Belt and Walsh moved and seconded an amendment to the Ordinance by increasing the Mayor's compensation to \$93,369.00 beginning Jan. 1, 2010 and capping the annual adjustment rate to no higher than 3.5%. VOICE VOTE: 3 Aye; 2 Nay (Bates, Schultz). Vote on Ordinance as amended. VOICE VOTE: 3 Aye; 2 Nay (Bates, Schultz).

RECORD OF PROCEEDINGS

- Ordinance 5997** Belt and Schultz moved and seconded introduction of Ordinance 5997, setting a Public Hearing for May 12, 2008 at 7:00 p.m., to consider amending the zoning map, by changing the district designation of certain grounds located along 5th Avenue east and west of South 21st Street, from its present designation as C-1/Commercial to R-2/Two Family Residential. Unanimous.
- Ordinance 5998** Walsh and Schultz moved and seconded the denial of Ordinance 5998, considering the amendment of Chapter 17.09 "Inspections", by amending Section 17.09.020 "Landlord and operators of rental property to register with city" to waive rental registration fees for property managed through the Municipal Housing Agency of Council Bluffs. Heard from Don Angeroth, 10 Stubblefield Drive and Rob Stevens, Municipal Housing Director, 505 South Sixth Street in favor of the amendment. Unanimous vote on denial of Ordinance 5998. Council Member Belt requested copies of the inspection policies currently used by Section 8, HUD and the City of Council Bluffs.
- RESOLUTIONS:
Resolution 08-108** Belt and Walsh moved and seconded approval of Resolution 08-108, authorizing the Mayor and City Clerk to execute an agreement with HDR Engineering, Inc., for engineering services in connection with the traffic signal systems evaluation and programming. Unanimous.
- Resolution 08-122** Belt and Branigan moved and seconded approval of Resolution 08-122, authorizing the Mayor and City Clerk to execute an agreement with Leazenby Construction, Inc. for the Broadway Streetscape – Phase I, also called Downtown Streetscape – Phase VII (Broadway). Unanimous.
- Resolution 08-123** Belt and Walsh moved and seconded approval of Resolution 08-123, directing the City Clerk to certify Solid Waste Nuisance Assessments to the Pottawattamie County Treasurer to be collected in the same manner as a property tax. Unanimous.
- Resolution 08-124** Belt and Branigan moved and seconded approval of Resolution 08-124, directing the City Clerk to certify Weed Assessments to the Pottawattamie County Treasurer to be collected in the same manner as a property tax. Unanimous.
- Resolution 08-125
Resolution 08-126
Resolution 08-127** Belt and Branigan moved and seconded approval of the following Resolutions imposing penalties against: MJ's Pizza & Brews, referencing Resolution 08-125; The Longest Yard Sports Bar & Grill, referencing Resolution 08-126; and The Spillway Bar & Grill, referencing Resolution 08-127, for violations of Iowa Code, Chapter 123 and/or Council Bluffs Municipal Code Section 3.08.190, for selling, dispensing, giving or otherwise supplying alcohol to a minor under the age of twenty-one. Unanimous.
- Resolution 08-128
Resolution 08-129
Resolution 08-130** Belt and Branigan moved and seconded approval of the following Resolutions authorizing the Mayor to execute an Order Accepting the Acknowledgement/Settlement Agreement of Resolution 08-128, Scott Street Pub; Resolution 08-129, Travel Centers of America, Inc.; and Resolution 08-130, Mario's Bar and Laundry, for cigarette violations of Iowa Code Section 453A.2 (1).
VOICE VOTE: 4 Aye; 1 Abstention (Schultz).

RECORD OF PROCEEDINGS

- Resolution 08-131** Walsh and Branigan moved and seconded approval of Resolution 08-131, authorizing the Mayor and City Clerk to execute an agreement with Collins Properties, Inc. for the Mid-City Trail Grading, Phase I Project. Unanimous.
- Resolution 08-132** Belt and Bates moved and seconded approval of Resolution 08-132, accepting the work of Metro Crossing LLC in connection with the Metro Crossing Development Agreement. Unanimous.
- Resolution 08-133** Schultz and Branigan moved and seconded approval of Resolution 08-133, authorizing the Mayor to execute a service agreement between the City of Council Bluffs and the Council Bluffs Area Chamber of Commerce. Unanimous.
- Resolution 08-134** Belt and Walsh moved and seconded approval of Resolution 08-134, setting dates of a consultation and a Public Hearing for June 9, 2008 at 7:00 p.m. on proposed Amendment No. 1 for the Old Airport Urban Renewal Plan. Unanimous.
- Resolution 08-135** Belt and Walsh moved and seconded approval of Resolution 08-135, directing the advertisement for sale of \$7,615,000 General Obligation Bonds, Series 2008, and approving the electronic facsimile bidding procedures. Unanimous.
- Resolution 08-136** Schultz and Belt moved and seconded approval of Resolution 08-136, accepting the completion of the Bayliss Park Project and directing the Interim Director of Finance to release the balance to finish, including retainage of \$162,769.00 in 30 days. Unanimous.
- Resolution 08-137** Walsh and Belt moved and seconded approval of Resolution 08-137, granting construction and access easement to the Board of Water Works Trustees. Unanimous.

RECEIVE AND FILE ITEMS

Belt and Walsh moved and seconded approval of Receive and File Items 10A – 10C. Unanimous.

APPLICATIONS FOR PERMITS & CANCELLATIONS

Belt and Bates moved and seconded approval of permit applications for Item 11A. Salvage Yard License Application for Cox Contracting Co., Inc.; Item 11B. Special Event Application for Celebrate CB Parade and Weekly Events (May 9 thru May 17, 2008) and Item 11C. Special Event Application for Carnival Rides by Blues Amusements in conjunction with Celebrate CB (May 15 thru May 17, 2008).

VOICE VOTE: 4 Aye; 1 Abstention (Branigan).

Council Member Walsh posed a question to City Attorney Wade concerning citizen's arrest. Walsh mentioned failure to stop and speeding violations on Skyline Drive were dangerous and at times life threatening; Walsh wanted to know if citizens had any authority making a citizen's arrest. Wade indicated making a citizen's arrest on stop sign violations could be done and would take multiple witnesses, known identity of individual, make of car and license plate number; an affidavit would then need to be completed and filed with the City Attorney's Office.

Council Member Walsh invited citizens to gather at Bayliss Park on Saturday, May 3, 2008 from 9 a.m. to 3 p.m. for Chipper's Spring Adventure; meet "Chipper" the Black Squirrel mascot for Council Bluffs.

RECORD OF PROCEEDINGS

Council Member Branigan reminded everyone of the upcoming Celebrate CB Events, May 9 – May 17, 2008. Friday, May 9th begins the celebration with a Mayor's Proclamation announcing the Grand Marshal and lighting of the Bayliss Park Fountain, Carnival rides begin Thursday, May 15th, with the parade on Saturday, May 17th, followed by a newly expanded children's activities program for Saturday afternoon.

ADJOURNMENT

Belt and Branigan moved and seconded adjournment at 7:42 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Thomas P. Hanafan, Mayor

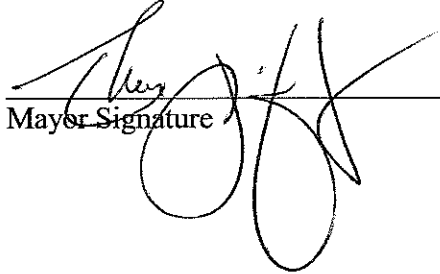
ATTEST:

Marcia L. Worden, Deputy City Clerk

Council Communication

Department: Mayor		
Case/Project No.	Presentation	Date: <u>May 12, 2008</u>
Applicant: Inky Westfall		
Subject/Title		
<p>Presenting: Quilt made at Franklin Elementary School Challenge Center Third Grade Students: Nathaniel Bazer, Sylvia Chavez, Caleb Donovan, Kollin Evers, Chris Gilmore, Dillon Smith Teacher: Deb Kendall</p> <p>They will be there to present along with Ginger Koontz from Frame Work who is donating the display case for the quilt.</p>		
Background/Discussion		
<p>They will present the quilt to the Mayor and the City Council to be displayed at City Hall for the month of May. The quilt will be displayed permanently on one of the City's public buildings.</p>		
Recommendation		
N/A		

Department Head Signature



Mayor Signature

Council Communication

Department: Public Works Division: Building Case/Project No.	Ordinance No. <u>5995</u>	First Reading <u>04/14/2008</u> Second Reading <u>04/28/08</u> Third Reading <u>05/12/2008</u>
Subject/Title		
That 2005 Municipal Code of Council Bluffs, Iowa, Title 13 entitled "Buildings and Construction" is amending Chapter 13.21 entitled "Property Maintenance Code", by adding Section 13.21.068 entitled "Section 308 amended – Extermination" which shall be codified.		
Background/Discussion		
<p>The Property Maintenance Inspector, the Director of Health, and representatives of the Landlords Association met on March 17, 2008, to discuss amending the text concerning extermination in the Property Maintenance Code. Donn Dierks, Don Angerth, Tim Hewett, Roger Wahl, and Maureen Eiler discussed alternative measures and resolutions. Currently the occupants are responsible for keeping the unit pest free. In the meeting there was an expressed interest in the subject of extermination from the Landlord's point of view. The landlords wanted some input. The landlords didn't want to feel like they were being punished for all of the bad landlords. The members of the Landlords Association made it clear that they felt the owners should be responsible. The Landlords Association contributed to what is proposed and sent a letter to the City stating that they support the change. This may not please all the landlords but, in order to effectively treat the problem, it was a consensus opinion of the group that the current code should be changed.</p> <p>About 20% of the rental housing complaints that the City receives have to do with bugs and especially roaches. Currently, the code makes extermination the occupant's responsibility once they take possession of the apartment or property. Currently, the owner is only responsible when the property is vacant and for the common areas. The inspector cannot determine if roaches get into a structure before or after it was occupied. The Director of Health stated that if only one apartment is sprayed, the roaches will relocate and not die, but continue to reproduce. The Health Department contends that an infestation is if you see two or more roaches in broad daylight, because bugs are nocturnal.</p> <p>The City suggested to the Landlord Association that if an infestation was found in an unsanitary living condition, that would make spraying the tenants responsibility. But the landlords still wanted spraying to be the owner's responsibility. The Landlords also discussed if an apartment is infested, they could first treat that unit plus the surrounding apartments, above, on both sides, and below. If this didn't abate the problem then the entire building would be exterminated. According to the Landlord Association proposal, if the presence of insects and/or rodents are</p>		

found then the Building Owner (not the tenant) will be responsible for extermination of the building (entirely if necessary).

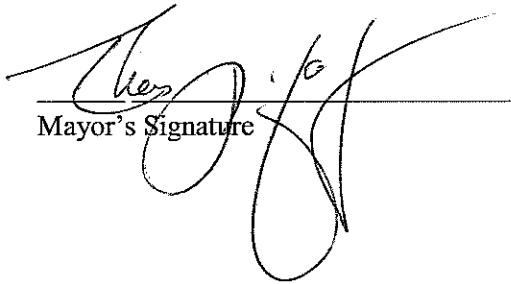
In the Landlord Association meeting of March 19, 2008, the board agreed and signed a letter for amendments to Section 308 of the Property Maintenance Code. The City takes no objection to the Landlords Association proposal.

Recommendation

The Director of Public Works, the Director of Health, and the Building Official recommend that the City Council favorably consider this proposed ordinance and pass it into law.

Public Works Director's Signature

Building Official's Signature



Mayor's Signature

ORDINANCE # 5995

AN ORDINANCE to amend 2005 Municipal Code of Council Bluffs, Iowa, Title 13 entitled “Buildings and Construction” Chapter 13.21 entitled “Property Maintenance Code” by adding Section 13.21.068 entitled “Extermination” to be codified.

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:**

SECTION 1. AMENDMENTS.

That 2005 Municipal Code of Council Bluffs, Iowa, Title 13 entitled “Buildings and Construction” is amending Chapter 13.21 entitled “Property Maintenance Code”, by adding Section 13.21.068 entitled “Section 308 amended – Extermination” which shall be codified and read as follows:

Section 13.21.068 – Extermination.

Section 308 - shall be amended as follows:

Section 308 EXTERMINATION

Section 308.1 – Infestation.

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

Section 308.2 – Owner.

The owner of any structure shall be responsible for extermination of the entire structure.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE.

If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its final passage and publication

(08) as by law provided.

PASSED

AND

APPROVED: _____, 2008

Thomas P. Hanafan, Mayor

Attest: _____

Judith H. Ridgeley, City Clerk

First Consideration: April 14, 2008

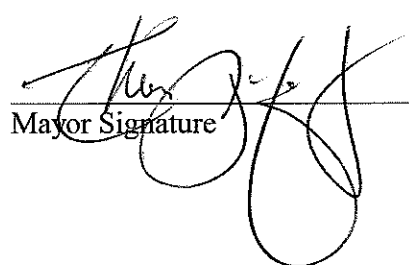
Second Consideration: April 28, 2008

Third Consideration: May 12, 2008

Council Communication

Department: Finance	Ordinance No. Resolution No. <u>08-138</u>	Date: <u>5/12/08</u>
Subject/Title		
Annual Budget Amendment for the fiscal year ending June 30, 2008.		
Background/Discussion		
<p>A public hearing must be held to present any changes to the official budget. The Iowa Code provides that budgets must be amended before any expenditure occurs that would cause a budget program to exceed the original adopted level of appropriations.</p> <p>By amending the budget, we are increasing our authorized level of appropriations in order to accommodate expenditures that were not anticipated at the time the FYE 2008 budget was prepared. The budget is also certified based on the program or function of the expenditure. Even though the total expenditures may not change or even decrease, a change to program expenditures will require a certified amendment. Unanticipated increases to revenue or changes in sources of revenues are being addressed as well.</p> <p>The beginning fund balance as of July 1, 2007, has been amended to reflect the audited ending cash balance of FYE 2007.</p> <p>Official Certification Resolution and support documentation is attached.</p> <p>Publication Dates – May 27-28, 2008.</p>		
Recommendation		
Set a public hearing for June 9, 2008, to address budget amendments.		

Department Head Signature



Mayor Signature

4 D

RESOLUTION NO. 08-138

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO APPROVE
AN AMENDED ANNUAL BUDGET FOR THE FISCAL YEAR ENDING
JUNE 30, 2008**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS,
IOWA:

The annual budget for the Fiscal Year ending June 30, 2008, as set forth in the Amended Budget Summary thereof showing the amended revenue estimates and appropriation expenditures for said fiscal year is to be adopted, a public hearing is set for 7:00 p.m. on June 9, 2008 to receive public comment on the proposed amended budget.

ADOPTED
AND
APPROVED May 12, 2008

Thomas P. Hanafan, Mayor

ATTEST: Judith H. Ridgeley, City Clerk

CITY OF COUNCIL BLUFFS

INTER-OFFICE MEMO

DATE: MAY 6, 2008

TO: HONORABLE THOMAS P. HANAFAN, MAYOR

FROM: LINDA ANDERSEN, ACTING DIRECTOR OF FINANCE

RE: BUDGET AMENDMENT NUMBERS FOR FYE 2008

A public hearing is being scheduled for the June 9, 2008 Council Meeting for the purpose of amending the current year FYE 2008 operating budget. The following identifies the nature of the changes indicated in the "Current Amendment" column of the Budget Amendment.

EXPLANATION OF AMENDMENTS:Revenues & Other Financing SourcesUse of Money & Property

Bass Pro Rental		629,000
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Intergovernmental

Bass Pro - Pott. County Development	337,000	
CD-Block Grant - HUD Grant	750,000	1,087,000

Miscellaneous Sources

Bass Pro - Iowa West Foundation		1,100,000
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Other Financing Sources

Bond Proceeds- Issued May 2008		7,505,000
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Total Amendments to Revenues & Other Financing Sources		10,321,000
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Expenditures & Other Financing UsesPublic Works

Road Use Fund - Equipment Maintenance moved to General Government	(780,000)	(780,000)
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Culture and Recreation

Trust Funds - Library Gifts & Memorials	360,000	
Trust Funds - Misc. Projects - landscaping,	40,000	
General Fund - Parks & Recreation - Forestry	100,000	500,000

Community and Economic Development

Bass Pro - Property taxes	1,100,000	
Trust Fund - Miscellaneous Projects - HUD Grant	750,000	1,850,000

General Government

Road Use Fund - Equipment Maintenance received from Public Works	780,000	
Fiduciary Funds - Retirees 411 Benefits	350,000	1,130,000

Debt Service - Bass Pro		1,600,000
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Capital Projects

Capital Improvement Program amended 12-10-07

-6,450,000

Total Amendments to Expenses, Debt Service & Capital

-2,150,000Fund Balance

Projected Beginning Fund Balance July 1, 2007

32,167,495

Net Activity for Fiscal Year 2008

5,427,454

Projected Ending Fund Balance June 30, 2008

37,594,949

**NOTICE OF PUBLIC HEARING
AMENDMENT OF CURRENT CITY BUDGET**

The City Council of Council Bluffs in POTTAWATTAMIE

will meet at City Council Chambers in City Hall

at 7PM on June 9, 2008
(hour) (Date)

,for the purpose of amending the current budget of the city for the fiscal year ending June 30, 2008
(year)

by changing estimates of revenue and expenditure appropriations in the following functions for the reasons given.
Additional detail is available at the city clerk's office showing revenues and expenditures by fund type and by activity.

		Total Budget as certified or last amended	Current Amendment	Total Budget after Current Amendment
Revenues & Other Financing Sources				
Taxes Levied on Property	1	32,029,862		32,029,862
Less: Uncollected Property Taxes-Levy Year	2	433,696		433,696
Net Current Property Taxes	3	31,596,166	0	31,596,166
Delinquent Property Taxes	4	83,819		83,819
TIF Revenues	5	3,597,000		3,597,000
Other City Taxes	6	17,457,346		17,457,346
Licenses & Permits	7	2,872,750		2,872,750
Use of Money and Property	8	1,312,020	629,000	1,941,020
Intergovernmental	9	12,218,412	1,087,000	13,305,412
Charges for Services	10	11,695,000		11,695,000
Special Assessments	11	195,314		195,314
Miscellaneous	12	16,059,499	1,100,000	17,159,499
Other Financing Sources	13	24,578,467	7,505,000	32,083,467
Total Revenues and Other Sources	14	121,665,793	10,321,000	131,986,793
Expenditures & Other Financing Uses				
Public Safety	15	24,912,305		24,912,305
Public Works	16	7,737,122	-780,000	6,957,122
Health and Social Services	17	684,861		684,861
Culture and Recreation	18	5,137,524	500,000	5,637,524
Community and Economic Development	19	4,342,544	1,850,000	6,192,544
General Government	20	10,154,310	1,130,000	11,284,310
Debt Service	21	10,812,375	1,600,000	12,412,375
Capital Projects	22	34,830,000	-6,450,000	28,380,000
Total Government Activities Expenditures	23	98,611,041	-2,150,000	96,461,041
Business Type / Enterprises	24	12,351,678		12,351,678
Total Gov Activities & Business Expenditures	25	110,962,719	-2,150,000	108,812,719
Transfers Out	26	17,746,620		17,746,620
Total Expenditures/Transfers Out	27	128,709,339	-2,150,000	126,559,339
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out Fiscal Year	28	-7,043,546	12,471,000	5,427,454
Continuing Appropriation	29		N/A	0
Beginning Fund Balance July 1	30	23,392,971	8,774,524	32,167,495
Ending Fund Balance June 30	31	16,349,425	21,245,524	37,594,949

Explanation of increases or decreases in revenue estimates, appropriations, or available cash:

Additional revenues include Bass Pro revenues, HUD governmental grants, and bond sales proceeds. Expenditure changes include Bass Pro expenditures, decrease in Capital Improvement Programs, and changes in other program expenditures.

There will be no increase in tax levies to be paid in the current fiscal year named above. Any increase in expenditures set out above will be met from the increased non-property tax revenues and cash balances not budgeted or considered in this current budget. This will provide for a balanced budget.

City Clerk/ Finance Officer Name

Council Communication

Department: Community Development Offer To Buy City Property Applicant: Michael M. and Janet E. Morgan	Resolution of Intent No. <u>08-139</u> Resolution to Dispose No. _____	Set Public Hearing: 05/12/08 Public Hearing: 06/09/08
Subject/Title		
Request of Michael M. and Janet E. Morgan to purchase part of Fairview Cemetery abutting their property at 514 Harrison Street, Council Bluffs, IA 51503		
Background/Discussion		
<p>The City has received an Offer to Buy City Property from Michael and Janet Morgan. They wish to purchase a 60± foot by 90± foot portion of Fairview Cemetery abutting their property at 514 Harrison Street as shown on the attached map and described on the attached survey.</p> <p>On April 9, 2008, the Parks Recreation and Public Property Commission approved the sale, subject to the following: That no excavating or building of a permanent structure be allowed on the westerly 60 feet of the subject parcel of park land and that the money from the sale of the land be allocated to the Parks and Recreation Department for future acquisition of park land.</p>		
Recommendation		
The Community Development Department recommends approval of the request of Michael and Janet Morgan to purchase part of Fairview Cemetery for the sum of \$821.25, subject to the restrictions approved by the Parks, Recreation and Public Property Commission.		
Attachment: Location map and survey Prepared By: Rebecca Sall, Planning Technician, Community Development Department		



4E

Offer to Buy - Morgan



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-139

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY DESCRIBED AS A 60± FOOT BY 90± FOOT PORTION OF FAIRVIEW CEMETERY LYING WEST OF 514 HARRISON STREET, AS SHOWN ON THE ATTACHED MAP AND DESCRIBED ON THE ATTACHED SURVEY.

WHEREAS, the City has received an offer to buy from Michael M. and Janet E. Morgan for a 60± foot by 90± foot portion of Fairview Cemetery lying west of 514 Harrison Street, as shown on the attached map and described on the attached survey, and

WHEREAS, the Mayor and city staff recommends disposal of the above-referenced property under the terms and conditions set forth in the offer to buy and subject to the restrictions approved by the Parks, Recreation and Public Property Commission.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City does hereby express its intent to dispose of City property described as for a 60± foot by 90± foot portion of Fairview Cemetery lying west of 514 Harrison Street, as shown on the attached map and described on the attached survey, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for June 9, 2008.

ADOPTED
AND

APPROVED: May 12, 2008

Thomas P. Hanafan

Mayor

ATTEST:

Judith H. Ridgeley

City Clerk

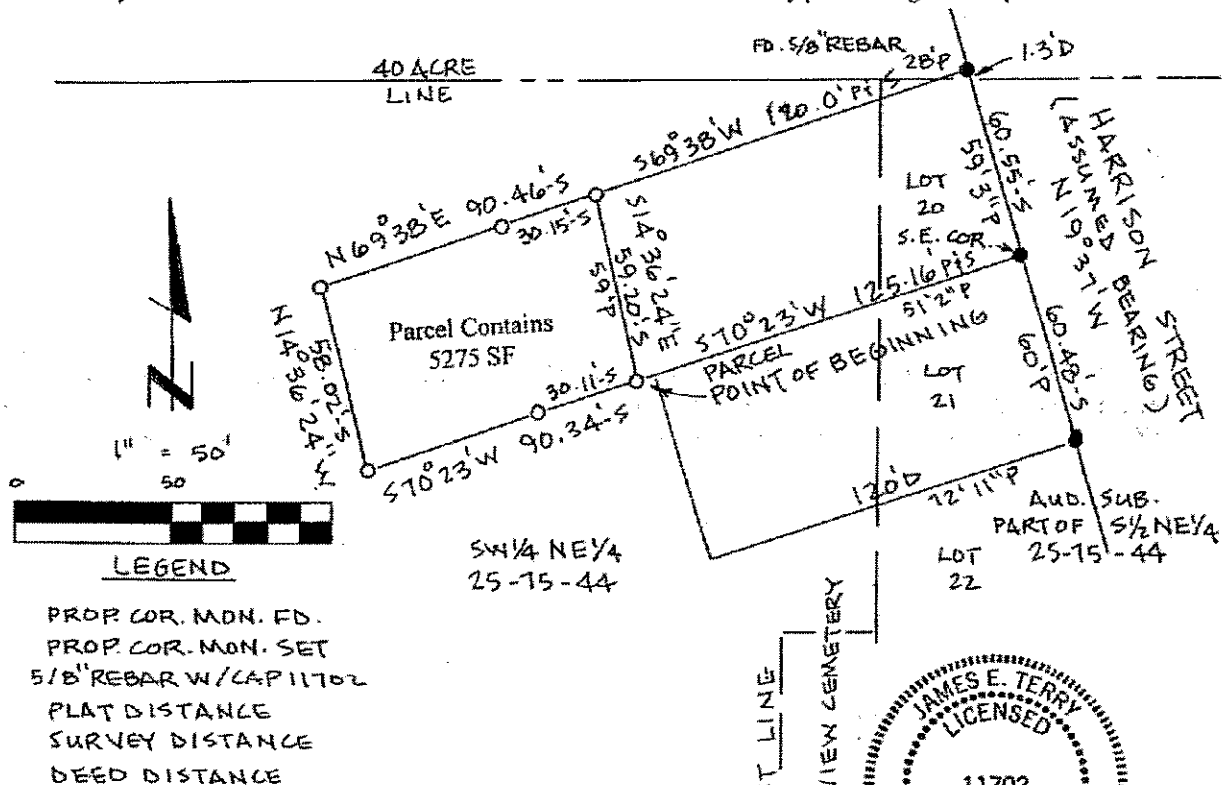
**PARCEL
LEGAL DESCRIPTION:**

A parcel of land located in part of the Southwest 1/4 of the Northeast 1/4 of Section 25, Township 75 North, Range 44 West of the 5th Principal Meridian, Pottawattamie County, Iowa more particularly described as follows:

Commencing at the southeast corner of Lot 20 in the Auditor's Subdivision of part of the South 1/2 of the Northeast 1/4 of Section 25-75-44, Thence along the south line of Lot 20 and the extension of said south line S70°23'W 125.16 feet to the point of beginning, thence continuing along the extension of said south line S70°23'W 90.34 feet, thence N14°36'24"W 58.02 feet, N69°38'E 90.46 feet, thence S14°36'24"E 59.20 feet to the point of beginning.

The parcel described contains 5275 square feet.

The westerly line of Harrison Street is assumed to bear N19°37'W for this survey plat and legal description.



I HEREBY CERTIFY THAT THIS PLAT, MAP, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

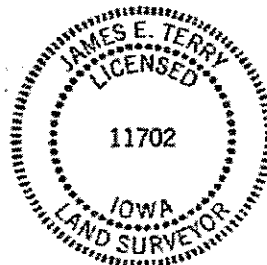
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2009.

DATE 25 APR. 2008 BOOK 42 PAGE 69

PROJECT NO. 08-06

J. E. TERRY AND ASSOCIATES 21925 GREENVIEW ROAD COUNCIL BLUFFS, IOWA 51503 (712) 323-3590

EAST LINE
FAIR VIEW CEMETERY



SIGNATURE OF LAND SURVEYOR

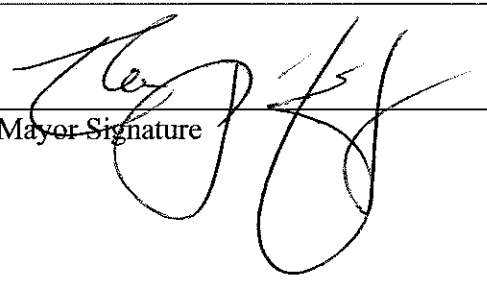
James E. Terry
JAMES E. TERRY L.S. 11702

Council Communication

Department: Fire	Ordinance No. Resolution No. <u>08-162</u>	Date: <u>May 12, 2008</u>
Case/Project No. FY 08-28		
Applicant. Alan R. Byers		
Subject/Title		
Regional Fire Training Facility		
Background/Discussion		
<p>Progress continues on the construction of the new regional fire training facility at Fire Station 5. The building should be complete in the next two weeks, the installation of the gas fired training equipment will follow and the next step is the associated dirt work and concrete for the area around the actual tower.</p> <p>This phase of the project will establish the grade and base for the concrete paving, build an onsite storm water detention area, pave the tower and training area and install security fencing and area lighting.</p> <p>Funding for this project is a combination of Capital Improvement Program funding and State allocations through the Fire Service Training Bureau. The engineer's opinion of probable cost for this phase of the project is \$714,821.</p>		
Recommendation		
It is Staff recommendation that the attached resolution be approved requesting the City Clerk to publish notice and set a public hearing for 7:00 p.m. on June 9, 2008 for the Regional Training Facility project.		

Department Head Signature

Mayor Signature



4 F

RESOLUTION NO. 08-162

A resolution ordering the City Clerk to publish notice and setting a public hearing on the plans, specifications, form of contract and cost estimate for the final phase of the Regional Fire Training Facility.

Whereas, the City has made significant progress in the construction of the fire training building; and

Whereas, as the building is completed the next portion of the project is the associated dirt work, creation of a storm water detention area, concrete paving, site fencing and lighting; and

Whereas, the plans, specifications, form of contract and cost estimate are on file in the office of the City Clerk.

NOW, THEREFORE, LET IT BE RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the final portion of the Regional Fire Training Facility project, for June 9, 2008 at 7:00 p.m.

ADOPTED
AND
APPROVED May 12, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

Council Communication

Department: Legal	Ordinance No. <u>5996</u>	First Reading <u>4/28/2008</u>
Case/Project No.	Resolution No.	Second Reading <u>5/12/2008</u>
		Third Reading _____
Subject/Title		
An Ordinance to amend Chapter 1.10 "Administration and Personnel" of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing and reenacting Section 1.10.020 "Compensation of Mayor".		
Background/Discussion		
At the request of Councilmember Walsh, an ordinance has been prepared that will increase the salary of the Mayor to \$93,369 per year, effective January 1, 2010. The ordinance also provides for a 3.5% annual increase thereafter.		
The salary of the Mayor has not increased since 2005. On July 1, 2008, the pay range for department heads will be \$77,550-\$98,976.		
Recommendation		
Pass and approve the proposed amendment to the Mayor's salary.		

Department Head Signature



Mayor Signature

5A

ORDINANCE NO. 5996

AN ORDINANCE to amend Chapter 1.10 “Administration and Personnel” of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing and reenacting Section 1.10.020 “Compensation of Mayor”.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 1.10 “Administration and Personnel” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing and reenacting Section 1.10.020 “Compensation for Mayor”, to read as follows:

“1.10.020 Compensation for Mayor. Effective January 1, 2010, the compensation for the mayor shall be \$93,369.00. Thereafter, compensation for the mayor shall increase on January 1 of each year at a rate no higher than 3.5% annually.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ord. 5643, Section 1, 2001).

SECTION 3. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED
AND _____, 2008
APPROVED

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

First Consideration: April 28, 2008
Second Consideration: May 12, 2008
Public Hearing: n/a
Third Consideration: _____

Council Communication

Department: Legal	Ordinance No.	
Case/Project No.	Resolution No. <u>08-116</u>	Date: <u>May 12, 2008</u>
Applicant.		
SUBJECT/TITLE		
MidAmerican Energy is seeking two separate property interests from the City. The first is set out in a Fiber Optics Cable Easement Agreement and the second is entitled MidAmerican Energy Electric and Communications Easement.		
BACKGROUND		
<p>The reason for the Fiber Optic Cable Easement Agreement is to allow MEC the ability to grant third parties to have fiber optic lines on its poles. The language in this agreement is the same as the language in the agreement with the Council Bluffs Industrial Foundation regarding the routing of fiber optic lines for Google. It is limited to seven miles.</p> <p>The second document, MidAmerican Energy Electric and Communications Easement, addresses existing power lines that have been authorized to a certain extent by prior agreements, but this will address some changes in routing and use from what was initially approved.</p>		
RECOMMENDATION		
Approval of both resolutions is recommendation.		

Richard Wade

Department Head Signature



Mayor Signature

GA

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 08-116

A RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN CITY PROPERTY BY GRANTING A PERPETUAL FIBER OPTIC CABLE EASEMENT TO MIDAMERICAN ENERGY.

WHEREAS, on April 14, this Council approved Resolution No. 08-112 which expressed the City's intent to dispose of certain City property by granting to MidAmerican Energy Company a perpetual fiber optic cable easement; and

WHEREAS, a public hearing in this matter has been held.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the Mayor shall execute the Perpetual Fiber Optic Cable Easement Agreement granting MidAmerican Energy certain rights for the purpose of constructing, maintaining and repairing a fiber optic cable system and appurtenances within the City.

ADOPTED
AND
APPROVED May 12, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith Ridgeley, City Clerk

C.A. 4/28/08

PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

The first publication thereof

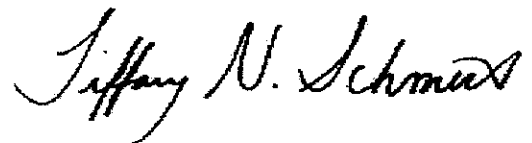
began on the 22nd day of April, 2008

Signed in my presence by the said Amy McKay and by her sworn to before me this 22nd day of April, A.D. 2008.



Amy McKay
Daily Nonpareil Controller

**NOTICE OF PUBLIC HEARING
COUNCIL BLUFFS CITY COUNCIL**
TO WHOM IT MAY CONCERN:
You and each of you are hereby notified that the City Council for the City of Council Bluffs, Iowa, has expressed its intent to dispose of certain right-of-way within the City for the purpose of granting a perpetual fiber optic cable easement to MidAmerican Energy Company. Exhibits detailing the exact location of the easement are available at the Office of the City Clerk.
You are further notified that a public hearing on said matter will be held by the City Council at its regular meeting to be held at 7:00 p.m. on the 28th day of April, 2008, in the City Council chambers in the City Hall building, 209 Pearl Street, Council Bluffs, Iowa; at which time and place all persons interested in said matter will be given an opportunity to be heard.
Judith Ridgeley, City Clerk
2008 (4) 22 - 1 Tuesday



Tiffany N. Schmitt
Notary Public

Filed this 22nd day of April, A.D. 2008.
Publication Cost: \$ 10.54



Council Communication

Department: Legal	Ordinance No.	
Case/Project No.	Resolution No. <u>08-117</u>	Date: <u>May 12, 2008</u>
Applicant.		
SUBJECT/TITLE		
MidAmerican Energy is seeking two separate property interests from the City. The first is set out in a Fiber Optics Cable Easement Agreement and the second is entitled MidAmerican Energy Electric and Communications Easement.		
BACKGROUND		
<p>The reason for the Fiber Optic Cable Easement Agreement is to allow MEC the ability to grant third parties to have fiber optic lines on its poles. The language in this agreement is the same as the language in the agreement with the Council Bluffs Industrial Foundation regarding the routing of fiber optic lines for Google. It is limited to seven miles.</p> <p>The second document, MidAmerican Energy Electric and Communications Easement, addresses existing power lines that have been authorized to a certain extent by prior agreements, but this will address some changes in routing and use from what was initially approved.</p>		
RECOMMENDATION		
Approval of both resolutions is recommendation.		

Richard Wade

Department Head Signature



Mayor Signature

GB

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 08-117

A RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN CITY PROPERTY BY GRANTING A PERPETUAL ELECTRIC AND COMMUNICATIONS EASEMENT TO MIDAMERICAN ENERGY.

WHEREAS, on April 14, this Council approved Resolution No. 08-113 which expressed the City's intent to dispose of certain City property by granting a perpetual electric and communications easement to MidAmerican Energy Company; and

WHEREAS, a public hearing in this matter has been held.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

BE IT FURTHER RESOLVED

That the Mayor shall execute the Perpetual Electric and Communications Easement granting MidAmerican Energy certain rights for the purposes of constructing, reconstructing, operating, maintaining and removing electric transmission, distribution and communications lines including the necessary appurtenances.

ADOPTED
AND
APPROVED May 12, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____

Judith Ridgeley, City Clerk

PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

The first publication thereof

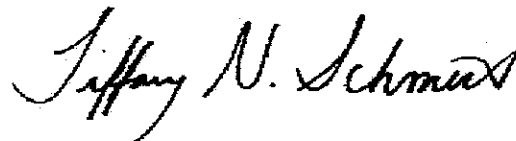
began on the 22nd day of April, 2008

Signed in my presence by the said Amy McKay and by her sworn to before me this 22nd day of April, A.D. 2008.



Amy McKay
Daily Nonpareil Controller

**NOTICE OF PUBLIC HEARING
COUNCIL BLUFFS CITY COUNCIL**
TO WHOM IT MAY CONCERN:
You and each of you are hereby notified that the City Council for the City of Council Bluffs, Iowa, has expressed its intent to dispose of certain right-of-way within the City for the purpose of granting MidAmerican Energy Company a perpetual electric and communications easement. Exhibits detailing the exact location of the easement are available at the Office at the City Clerk.
You are further notified that a public hearing on said matter will be held by the City Council at its regular meeting to be held at 7:00 p.m. on the 28th day of April, 2008, in the City Hall building, 209 Pearl Street, Council Bluffs, Iowa; at which time and place all persons interested in said matter will be given an opportunity to be heard.
Judith Ridgeley, City Clerk
2008 (4) 22 - 1 Tuesday



Tiffany N. Schmitt
Notary Public

Filed this 22nd day of April, A.D. 2008.
Publication Cost: \$ 10.04




Council Communication

Department: Legal	Ordinance No.	
Case/Project No.	Resolution No. <u>08-118</u>	Date: <u>May 12, 2008</u>
Applicant		
SUBJECT/TITLE		
<p>SIRE is requesting a construction and access easement from the Mosquito Creek Drainage District No. 22, and the City is the Board of Trustees for this district. This resolution is a follow-up to Council Resolution No. 08-114 which declared the City's intent to dispose of an interest in certain property to accommodate said easement.</p>		
BACKGROUND		
<p>SIRE wishes to construct a pipe to convey steam to its plant located south of town from MEC. To get there, the pipe must cross property under the control of the Mosquito Creek Drainage District. The City Council has the authority to grant this right.</p> <p>Consideration for this easement has not yet been determined, however, the City will need to obtain easements from SIRE to locate a sewer line from the Waste Water Treatment Plant to areas east of Interstate 29 and we are hopeful that the granting of these easements will serve as the only consideration needed for these transactions.</p>		
Recommendation		
<p>Staff recommends the approval of this resolution.</p>		

Richard Wade

Department Head Signature



Mayor Signature

CC

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 08-118

A RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN CITY PROPERTY BY GRANTING A PERPETUAL CONSTRUCTION AND ACCESS EASEMENT TO SOUTHWEST IOWA RENEWABLE ENERGY, LLC.

WHEREAS, Southwest Iowa Renewable Energy, LLC, (SIRE) desires to acquire a perpetual construction and access easement from the Mosquito Creek Drainage District No. 22; and

WHEREAS, the City as the Board of Trustees for this District has the authority and is willing to grant said easement subject to the terms and conditions set forth in the Construction and Access Easement document; and

WHEREAS, a public hearing has been held in this matter as required by law.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

BE IT FURTHER RESOLVED

That the Mayor and appropriate City Staff are hereby authorized and directed to execute said easement agreement between the City and SIRE.

ADOPTED
AND
APPROVED May 12, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith Ridgeley, City Clerk

PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

The first publication thereof

began on the 21st day of April, 2008

Signed in my presence by the said Amy McKay and by her sworn to before me this 22nd day of April, A.D. 2008.

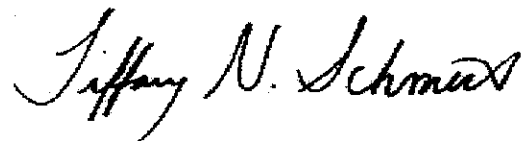


Amy McKay
Daily Nonpareil Controller

**NOTICE OF PUBLIC HEARING
COUNCIL BLUFFS CITY COUNCIL
TO WHOM IT MAY CONCERN:**

You and each of you are hereby notified that the City Council for the City of Council Bluffs, Iowa, has expressed its intent to dispose of certain right-of-way within the City for the purpose of granting a construction and access easement to Southwest Iowa Renewable Energy, LLC. The exact location of the easement is shown on documents on file in the office of the City Clerk.

You are further notified that a public hearing on said matter will be held by the City Council at its regular meeting to be held at 7:00 p.m. on the 28th day of April, 2008, in the City Council chambers in the City Hall building, 209 Pearl Street, Council Bluffs, Iowa; at which time and place all persons interested in said matter will be given an opportunity to be heard.
Judith Ridgely, City Clerk
2008 (4) 21 - 1 Monday



Tiffany N. Schmitt
Notary Public

Filed this 22nd day of April, A.D. 2008.
Publication Cost: \$ 10.54



COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: _____
Applicant _____

Ordinance No. _____
Resolution No. 08-140

Council Action May 12, 2008

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the renaming of West South Omaha Bridge Road to Veterans Memorial Highway.

BACKGROUND/DISCUSSION

- The Mayor's Office received a request from American Legion Rainbow Post 2, Adjutants Office, to rename South Omaha Bridge Road to Veterans Memorial Highway. The limits of this proposed roadway name change will be from the Veterans Memorial Bridge over the Missouri River to the intersection of Harry Langdon Blvd. near Iowa School for the Deaf.
- The Public Works Department polled thirty-four (34) property owners with West South Omaha Bridge Road addresses and one (1) property owner with a East South Omaha Bridge Road address, as this property is within the designated area. The owners were listed by the Pottawattamie County Assessor's records. Ballots were due by April 10, 2008, and the results were as followed:

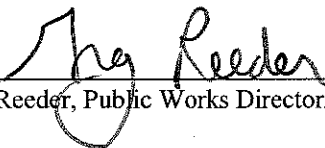
13 votes for name change
10 votes against name change
12 not responding

(See attached)

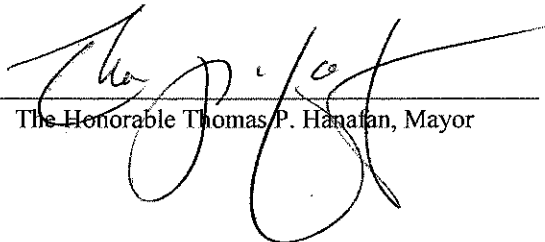
- Please note that should the roadway name change take place, the City of Council Bluffs Engineering Division will notify the affected residents by issuing "Address Change Notices." The city also sends "Address Change Notices" to the following: Council Bluffs Fire, Police, and Sanitation Dept., Pottawattamie County, Council Bluffs Water Works, Qwest, Aquila, MidAmerican Energy, Alltel, Cox Communications, and the United States Postal Service There are four (4) addresses that should have a number and name change and thirty-one (31) will require only a name change.
- After residents are notified, the post office will continue to recognize and deliver mail to the existing South Omaha Bridge Road addresses for one (1) year. After one year, the post office will return mail with notice of corrected address. The post office will perform this notification of the address change to senders for a period of six (6) months.

RECOMMENDATION

Approval of this resolution.



Greg Reeder, Public Works Director/City Engineer



The Honorable Thomas P. Hanafan, Mayor

RESOLUTION

NO. 08-140

**RESOLUTION APPROVING THE
RENAMING OF WEST SOUTH OMAHA BRIDGE ROAD
TO VETERANS MEMORIAL HIGHWAY**

- WHEREAS, the city wishes to rename West South Omaha Bridge Road to Veterans Memorial Highway; and
- WHEREAS, roadway name change will be from the Veterans Memorial Bridge over the Missouri River to the intersection of Harry Langdon Blvd. near Iowa School for the Deaf; and
- WHEREAS, it is in the best interest of the City to rename this roadway to Veterans Memorial Highway
- WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on May 12, 2008.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the portion of roadway extending from the Veterans Memorial Bridge over the Missouri River to the intersection of Harry Langdon Blvd. near Iowa School for the Deaf is hereby renamed Veterans Memorial Highway.

BE IT FURTHER RESOLVED

That references to this portion of road shall be updated along with any signage.

**ADOPTED
AND
APPROVED May 12, 2008**

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

Supporting Name Change

100 E. S. Omaha Bridge
325 W. S. Omaha Bridge
531 W. S. Omaha Bridge
601 W. S. Omaha Bridge
704 ½ W. S. Omaha Bridge
800 W. S. Omaha Bridge
1201 W. S. Omaha Bridge
1301 W. S. Omaha Bridge
1705 W. S. Omaha Bridge
2105 W. S. Omaha Bridge
2405 W. S. Omaha Bridge
3802 W. S. Omaha Bridge
3903 W. S. Omaha Bridge

Not Supporting

101 W. S. Omaha Bridge
430 W. S. Omaha Bridge
501 W. S. Omaha Bridge
635 W. S. Omaha Bridge
727 W. S. Omaha Bridge
1403 W. S. Omaha Bridge
1629 W. S. Omaha Bridge
2601 W. S. Omaha Bridge
3102 W. S. Omaha Bridge
3104 W. S. Omaha Bridge

No Response

329 W. S. Omaha Bridge
401 W. S. Omaha Bridge
429 W. S. Omaha Bridge
600 W. S. Omaha Bridge
610 W. S. Omaha Bridge
630 W. S. Omaha Bridge
717 W. S. Omaha Bridge
1030 W. S. Omaha Bridge
1115 W. S. Omaha Bridge
1430 W. S. Omaha Bridge
3901 W. S. Omaha Bridge
4201 W. S. Omaha Bridge

Council Communication

Department: Finance	Ordinance No.																											
Case/Project No.	Resolution No. <u>08-141</u>	Date: <u>05/12/08</u>																										
Subject/Title																												
General Obligation Bond Issues – Resolution directing sale of General Obligation Bonds, Series 2008.																												
Background/Discussion																												
<p>On March 24, 2008, the council set a public hearing date of April 14, 2008, at 7:00 PM for the City's annual General Obligation (GO) Bonds to fund the Capital Improvement Plan (CIP). There being no objections received, the sale date for the General Obligation Bonds of \$7,615,000 was set. The required publication notice stated that the bids would be received and opened by City Officials at 1:00 P.M. on May 12, 2008. The notice further stated that the Council would act upon the bond bids at the regular council meeting at 7:00 P.M. on May 12, 2008.</p> <p>The hearing amounts of the bond proceeds needed to cover the costs of the CIP is \$8,000,000. The hearing amounts are intended to be higher than the amount to be issued. This gives the City flexibility in issuing a larger amount if the costs increase at the last moment. The costs of issuing debt include Financial Advisory fees, Underwriter fees, Bond Attorney Fees, Moody's rating fees, and printing of official statements. The exact amount of these fees will be calculated before the sale of the bonds. The following is a list of the amounts and CIP project descriptions:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 60%;"><u>Projects</u></th> <th style="text-align: right; width: 40%;"><u>Hearing Amount</u></th> </tr> </thead> <tbody> <tr> <td>Essential Corporate Purposes</td> <td style="text-align: right;">\$ 6,610,000</td> </tr> <tr> <td style="padding-left: 20px;">Variety of Street & Sewer Projects</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">Levee Improvements</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">Park Rehabilitation</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">Trail Development (Sidewalks)</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">Building Demolition</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">Police and Fire Vehicles & Equipment</td> <td></td> </tr> <tr> <td>General Corporate Purposes</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">Fire Training Facility</td> <td style="text-align: right;">105,000</td> </tr> <tr> <td style="padding-left: 20px;">Animal Shelter</td> <td style="text-align: right;">255,000</td> </tr> <tr> <td style="padding-left: 20px;">Recreational Complex Improvements</td> <td style="text-align: right;">600,000</td> </tr> <tr> <td style="padding-left: 20px;">Urban Renewal Project – W Broadway</td> <td style="text-align: right;">430,000</td> </tr> </tbody> </table> <p><u>Timeline</u></p> <p>March 24 -Set Hearing Date</p> <p>March 27-28 – Publication Date for Notices (10 to 20 days in advance of hearing).</p> <p>April 14 – Hold public hearings.</p> <p>April 28 – Set sale date and authorize publication of notice of sale.</p> <p>Apr 30 -May 2 – Publication Date for Advertisement of Sale (4 to 20 days in advance of sale date).</p> <p>May 12 – Sell bonds (receive competitive interest rates)/ Act upon bids for the bonds.</p> <p>June 9 – Approve resolutions to finalize bond legal issues.</p> <p>June 23 – Receive bond proceeds.</p>			<u>Projects</u>	<u>Hearing Amount</u>	Essential Corporate Purposes	\$ 6,610,000	Variety of Street & Sewer Projects		Levee Improvements		Park Rehabilitation		Trail Development (Sidewalks)		Building Demolition		Police and Fire Vehicles & Equipment		General Corporate Purposes		Fire Training Facility	105,000	Animal Shelter	255,000	Recreational Complex Improvements	600,000	Urban Renewal Project – W Broadway	430,000
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Recommendation

The City Council approves a resolution acknowledging bids received at 1:00 P.M. May 12, 2008, and directing the sale of \$7,615,000 General Obligation Bonds, Series 2008. This is pursuant to notices published as required and public meeting and hearing held on April 14, 2008, for the following:

The authorization and issuance of not to exceed \$6,610,000 General Obligation Bonds, Series 2008, (For an essential corporate purpose).

The authorization and issuance of not to exceed \$105,000 General Obligation Bonds, Series 2008, (For a general corporate purpose).

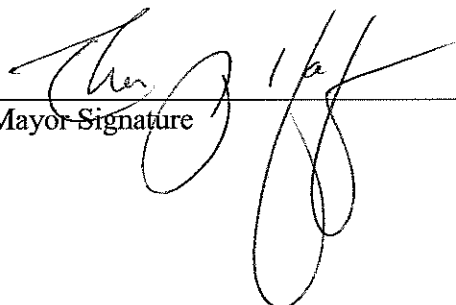
The authorization and issuance of not to exceed \$255,000 General Obligation Bonds, Series 2008, (For a general corporate purpose).

The authorization and issuance of not to exceed \$600,000 General Obligation Bonds, Series 2008, (For a general corporate purpose).

The authorization and issuance of not to exceed \$430,000 General Obligation Bonds, Series 2008, (For a general corporate purpose).

Department Head Signature

Mayor Signature



AHLERS & COONEY, P.C.

100 COURT AVENUE, SUITE 600
DES MOINES, IOWA 50309-2231
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FAX: 515-243-2149
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R. MARK CORY
mcory@ahlerslaw.com

Direct Dial:
(515) 246-0378

May 6, 2008

VIA E-MAIL AND OVERNIGHT DELIVERY

Ms. Linda Andersen, Finance Director
City Hall
209 Pearl Street
Council Bluffs, IA 51503

Re: Council Bluffs, Iowa - General Obligation Bonds (ECP/GCP)

Dear Linda:

We have now prepared and are enclosing herewith procedure to cover action taken by the City Officials at 1:00 o'clock P.M. on May 12, 2008, to receive bids on the above-mentioned bond issue. Sealed bids and electronic facsimile bids for the bonds may be received by you and listed in the minutes. After a final call for sealed bids, the bids should then be opened and the best bid recorded. Sealed bids and electronic facsimile bids are permitted by the terms of sale. No other bids should be considered. All bids should then be referred to the Council for award of the bonds at their meeting that evening.

Procedure is also enclosed to cover the consideration of the bids received earlier and the actual sale of the entire bond issue.

Also enclosed is an extra copy of the proceedings to be filled in as the original and certified back to this office. If you have any questions pertaining to the proceedings enclosed or this letter, please do not hesitate to call.

Very truly yours,

R. Mark Cory
FOR THE FIRM

RMC/csm
Enclosures
cc: Jon Burmeister
Judith Ridgeley
CMAYER\578719.1\WP10342083

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of Council Bluffs, Iowa.

Date of Meeting: May 12, 2008

Time of Meeting: 1:00 o'clock P.M. (City Officials)
 7:00 o'clock P.M. (City Council)

Place of Meeting: Council Chambers, City Hall, 209 Pearl Street, Council
 Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for the meeting is as follows:

\$7,615,000 General Obligation Bonds, Series 2008.

- § Receipt of bids.
- § Resolution directing sale.

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of the governmental body.

City Clerk, Council Bluffs, Iowa

May 12, 2008

The City Clerk of Council Bluffs, Iowa, met in the City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 1:00 o'clock P.M., on the above date, to open sealed bids received, access electronic facsimile bids and to refer the sale of the bonds to the best and most favorable bidder for cash, subject to approval by the City Council at 7:00 o'clock P.M. on the above date.

The following persons were present:

* * * * *

This being the time and place for the opening of bids for the sale of \$7,615,000 General Obligation Bonds, Series 2008, the meeting was opened for the receipt of bids for the bonds. The following actions were taken:

1. Sealed bids were filed and listed in the minutes while unopened, as follows:

Name & Address of Bidders:

2. The Clerk then declared the time for filing of sealed bids to be closed and that the sealed bids be opened. The sealed bids were opened and announced.
3. Electronic facsimile bids received were accessed and announced as follows:

Name & Address of Bidders:

4. The best bid was determined to be as follows:

Name & Address of Bidder: _____

Net Interest Cost: \$_____

True Interest Rate: _____%

All bids were then referred to the Council for action in accordance with the Notice of Sale.

May 12, 2008

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7:00 o'clock P.M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION DIRECTING SALE OF \$7,615,000 GENERAL OBLIGATION BONDS, SERIES 2008," and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION NO. 08-141

RESOLUTION DIRECTING SALE OF \$7,615,000
GENERAL OBLIGATION BONDS, SERIES 2008

WHEREAS, pursuant to notice as required by law, bids have been received at public sale for the bonds described as follows and the best bid received is determined to be the following:

\$7,615,000 GENERAL OBLIGATION BONDS, SERIES 2008:

Bidder: _____ of _____

the terms of the bid being:

Purchase Price: \$ _____

True Interest Rate: _____ %

Net Interest Cost \$ _____

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the bid for the bonds as above set out is hereby determined to be the best and most favorable bid received and, the bonds are hereby awarded based on the bid.

Section 2. That the statement of information for bond bidders and the form of contract for the sale of the bonds are hereby approved and the Mayor and Clerk are authorized to execute the same on behalf of the City.

Section 3. That the notice of the sale of the bonds heretofore given and all acts of the Clerk done in furtherance of the sale of the bonds are hereby ratified and approved.

PASSED AND APPROVED, this 12th day of May, 2008.

Mayor

ATTEST:

City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

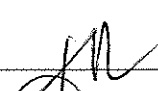
I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of the agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

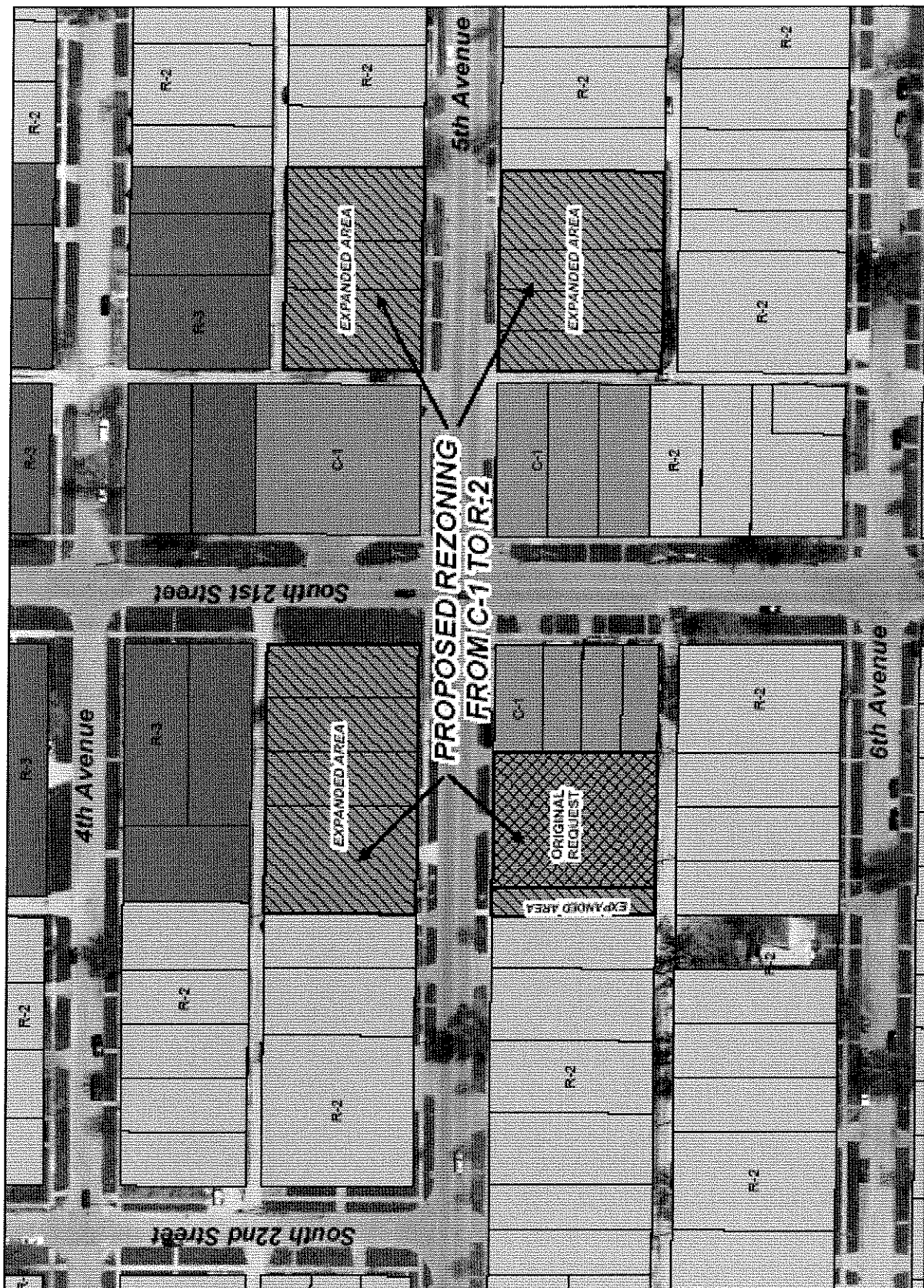
WITNESS my hand and the seal of the Municipality hereto affixed this _____
day of _____, 2008.

City Clerk, Council Bluffs, Iowa

SEAL

Council Communication

<p>Department: Community Department Case No. ZC-08-008 Applicant: Robert Daley and Community Development Department</p>	<p>Ordinance No. <u>5997</u></p>	<p>Council Meeting: April 28, 2008 Planning Commission: April 8, 2008 First Reading: <u>April 28, 2008</u> Second Reading: <u>May 12, 2008</u> Third Reading:</p>
Subject		
<p>Request of Robert Daley, 28837 Highway 6, Treynor, IA 51575 to rezone Lots 3, 4 and the East ½ of Lot 5, Block 5, Squire's Addition from C-1 Commercial to R-2/Two Family Residential. The Community Development Department expanded the area to include Lots 1 through 5, Block 1 and the West ½ of Lot 5, Block 5, Squire's Addition along with Lots 12 through 17, Block 3 and Lots 6 through 11, Block 4, Van Brunt and Rice's Addition. These properties are located along 5th Avenue, east and west of South 21st Street as shown on the attached map.</p>		
Background		
<p>Robert Daley is the legal option holder of Lots 3, 4 and the East ½ of Lot 5, Block 5, Squire's Addition. This property, which is currently vacant, is located on the south side of 5th Avenue, west of South 21st Street (shown as original request) and is zoned C-1 Commercial. Mr. Daley is requesting the property be rezoned to R-2/Two Family Residential in order to allow the construction of two single-family structures. The Community Development Department expanded the request to include rezoning Lots 1 through 5, Block 1 and the West ½ of Lot 5, Block 5, Squire's Addition along with Lots 12 through 17, Block 3 and Lots 6 through 11, Block 4, Van Brunt and Rice's Addition in order to bring 11 residential structures into compliance with the Zoning Ordinance.</p> <p>Land uses surrounding the subject properties are all residential in nature with the exception of the northeast, southeast and southwest corners of the intersection of 5th Avenue and South 21st Street which are a mixture of commercial and residential uses. Surrounding zoning is shown on the attached map.</p> <p>Phyllis Harms, 2014 5th Avenue, contacted staff in opposition of rezoning her home to a residential classification because she is considering reopening her dog grooming business at this location. Following certain regulations, dog grooming can be considered a home occupation. No other property owner is opposed to the proposed rezoning.</p>		
Discussion		
<p>The proposed rezoning will allow the construction of two single family structures on property which is currently vacant and will bring 11 residential uses into compliance with the Zoning Ordinance. Three of the four corners of this intersection will remain C-1 to allow for the continuation of the existing neighborhood commercial uses.</p>		
Recommendation		
<p>The Community Development Department recommends rezoning Lots 1 through 5, Block 1, Lots 3, 4, and 5, Block 5, Squire's Addition along with Lots 12 through 17, Block 3 and Lots 6 through 11, Block 4, Van Brunt and Rice's Addition from C-1 Commercial to R-2/Two Family Residential.</p>		
Public Hearing		
<p>Robert Daley, 28837 Highway 6 appeared before the Planning Commission in favor of the request. No one appeared in opposition.</p>		
Planning Commission to City Council		
<p>The Planning Commission recommends rezoning Lots 1 through 5, Block 1, Lots 3, 4, and 5, Block 5, Squire's Addition along with Lots 12 through 17, Block 3 and Lots 6 through 11, Block 4, Van Brunt and Rice's Addition from C-1 Commercial to R-2/Two Family Residential.</p>		
<p>VOTE: Aye 8 Nay 0 Abstain 0 Absent 2 Vacant 1 Motion Carried.</p>		
<p>Attachments: Map showing proposed rezoning area and surrounding zoning.</p>		
<p>Prepared By: Rebecca Sall, Planning Technician, Community Development Department</p> <div style="text-align: right; margin-top: 10px;"></div>		



CASE #ZC-08-008

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

ORDINANCE NO. 5997

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY LOCATED ALONG 5TH AVENUE EAST AND WEST OF SOUTH 21ST STREET IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM ITS PRESENT DESIGNATION AS C-1/COMMERCIAL TO R-2/TWO FAMILY RESIDENTIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.14 AND 15.09 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises located along 5th Avenue, east and west of South 21st Street, as shown on the Attachment, and legally described as follows:

Lots 1 through 5, Block 1, Lots 3, 4, and 5, Block 5, Squire's Addition, along with Lots 12 through 17, Block 3, and Lots 6 through 11, Block 4, Van Brunt and Rice's Addition in Council Bluffs, Pottawattamie County, Iowa,

from its present designation as C-1/Commercial to R-2/Two Family Residential, as set forth and

defined in Chapters 15.14 and 15.09 of Title 15 "Zoning" of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2008
APPROVED

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

FIRST CONSIDERATION: April 28, 2008
SECOND CONSIDERATION: May 12, 2008
PUBLIC HEARING: May 12, 2008
THIRD CONSIDERATION: _____

Planning Case No. ZC-08-008